

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Case Action No.: 1:21-CV-05730- AMD-RML

DISH NETWORK, LLC,

Plaintiff,

-Against-

**AFFIDAVIT  
IN SUPPORT**

786 WIRELESS WORLD, INC. 786 ENTERPRISES,  
INC., RANA M. AFZAL, and DOES 1-10,

Defendant(s).

STATE OF NEW YORK     )  
                                      ) ss  
COUNTY OF KINGS     )

DAVID H. PERLMAN being duly sworn deposes and says:

1. That your affiant is the attorney of record for defendants, 786 WIRELESS WORLD INC., 786 ENTERPRISES INC. AND RANA M. AFZAL and submits the following in support of the within motion to open up and vacate defendants default in answering the complaint and allowing the defendants to extend their time to answer plaintiff's complaint.
2. That the defendants were improperly served on or about October 25, 2021 but were properly served by service on the Secretary of State on November 19, 2021 and served on the defendants by mail of January 24, 2022 (Exhibit A) that based on that service the Answer of Defendants filed on February 8, 2022 was timely.
3. That after obtaining all of the necessary information your affiant prepared an answer on November 5, 2021 and advised my paralegal to file same. (Exhibit B)
4. Evidently this was inadvertently not done due to Law Office failure. It is conceded that defendants were in default at the time it filed its answer on February 8, 2022 if the service in October was proper, if not, then service on the Secretary of State, the answer was timely.
5. It is submitted that the plaintiff cannot show any prejudice in the granting of this motion, unlike the plaintiff, defendants would be greatly and severely prejudiced if this motion were to be denied.

6. Admittedly the plaintiff has been investigating these defendants since 2017. As aforesaid the defendants never intentionally defaulted in this action and would be substantially prejudiced if not allowed an opportunity to defend this action on the merits.
7. That upon learning of the motion for a default, the answer was filed.
8. The annexed affidavits of Adeel Hussain and Rana M. Afzal show defendants to possess a meritorious defense to this action. It is respectfully submitted that the within motion of defendants to vacate defendants default and allow the defendants to extend their time to answer plaintiff's complaint (which they have already done on February 8, 2022).
9. That defendants have shown such relief is merited and it has been consistently held that, where a defendant seeks to serve a Late Answer as in this case, it is proper to exercise at the Court's discretion to allow defendants to serve and file the Answer and give defendants their day in court, so long as the defendants have not acted in bad faith and as long as the plaintiffs have not been prejudiced.

WHEREFORE, your affiant respectfully requests an order of this court opening up and vacating defendants' default pursuant to the Federal Rules and a further order extending defendants time to Answer and directing plaintiff to accept the answer of defendants heretofore filed and for such other and further relief as to the Court may seem just and proper.

  
\_\_\_\_\_  
DAVID H. PERLMAN

Sworn to this 10<sup>th</sup>  
day of August, 2022



LAVERN WHYTE  
Notary Public, State of New York  
No. 01WH6134247  
Qualified in Kings County  
Commission Expires September 28, 2025

# Exhibit A

STATE OF NEW YORK  
DEPARTMENT OF STATE

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
ACTING SECRETARY OF STATE

January 24, 2022

786 WIRELESS WORLD INC.  
1061 CONEY ISLAND AVENUE  
BROOKLYN NY 11230, USA

RE: Party Served: 786 WIRELESS WORLD INC.  
Plaintiff/Petitioner: DISH NETWORK LLC  
Receipt Number: 202201240403  
Date Served: 11/19/2021  
Section of Law: SECTION 306 OF THE BUSINESS CORPORATION LAW

To whom it may concern:

Enclosed is a legal document that was served upon the Secretary of State as the designated agent of the above named party. The Department of State is required by law to forward this legal document to the address on file for such party. This office is not authorized to offer legal advice. If you have any questions concerning this document, please contact your attorney.

Sincerely,

Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
(518) 473-2492



Department  
of State

# Exhibit B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DISH NETWORK, LLC,

Case Action No.: 1:21-CV-05730- AMD-RML

Plaintiff,

-Against-

**ANSWER**

786 WIRELESS WORLD, INC. 786 ENTERPRISES,  
INC., RANA M. AFZAL, and DOES 1-10,

Defendant(s).

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The defendants 786 Wireless World, Inc., 786 Enterprises, Inc., and Rana M. Afzal by and through its attorney, David H. Perlman, as and for its Answer to the Complaint of the Plaintiff in this action, respectfully set forth and allege as follows, upon information and belief, based upon the files maintained in our office.

1. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraphs "1", "2", "3", "4", "6", "8", "11", "12", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "39", "40", "41", "42", "43", "44", "45", "46", "47" and "49" of the complaint.

2. Denies the allegations contained in paragraphs "5", "7", "9", "27", "50", "51", "52", "53", "54" and "55".

3. Denies "10" except admits resides in Brooklyn, denies "13" except admits New York Corporation.

**AFFIRMATIVE AND OTHER DEFENSES**

The Defendant asserts the following affirmative ad other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendant further assert that, to the extent that the Plaintiff's claims as alleged are vague or unclear, so as to render it difficult or

impossible to identify and assert every possible affirmative or other defense, the Defendant hereby expressly reserves its rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses.

**AS AND FOR A FIRST DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The statements and allegations contained in the Plaintiff's Complaint may fail to state any valid cause(s) of action upon which relief can be granted as a matter of fact and/or law, including that the plaintiff may lack standing to bring the complaint.

**AS AND FOR A SECOND DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The Defendant states, in the alternative if necessary, that any actions or omissions with respect to the Plaintiff was taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

**AS AND FOR A THIRD DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The Defendant states, in the alternative if necessary, that if may be found to have violated any law regulation, that any such violation was not willful.

**RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES**

The Defendant states that it currently has insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the defendant expressly reserves the right to assert additional defenses, and to seek to amend this Answer to include any such additional defenses, in the event that discovery indicates that any such additional defenses would be appropriate.

WHEREFORE, defendants, 786 Wireless World, Inc., 786 Enterprises, Inc., and Rana M. Afzal, demand judgment in their favor, dismissal of the complaint, interest, costs and disbursements and such other and further relief as the court deems just and proper.

Dated: November 5, 2021

Respectfully submitted,

/s/ David H. Perlman /s/  
David H. Perlman (DHP0607)  
Attorney for Defendants  
186 Montague Street, 4<sup>th</sup> Fl  
Brooklyn, NY 11201  
Tel: 718-855-8708  
Email: [David@dhperlman.com](mailto:David@dhperlman.com)

TO: Robert D. Balin  
Adam I. Rich  
Davis Wright Tremaine LLP  
1251 Avenue of the Americas  
21<sup>st</sup> Floor  
New York, NY 10020



Notice of Entry

Please take notice that the within is a (certified) true copy of duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

DAVID H. PERLMAN  
ATTORNEY AT LAW

Attorney for

Office and Post Office Address  
186 MONTAGUE STREET  
4<sup>TH</sup> FLOOR,  
BROOKLYN, NY 11201

To

Attorney(s) for

Notice of Settlement

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

at

Dated,

Yours, etc.

DAVID H. PERLMAN  
ATTORNEY AT LAW

Attorney for

Office and Post Office Address  
186 MONTAGUE STREET  
4<sup>TH</sup> FLOOR,  
BROOKLYN, NY 11201

To

Attorney(s) for

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DISH NETWORK LLC,

CASE No. 1:21-CV-05730-AMD-RML

Plaintiff,

- Against -

786 WIRELESS WORLD, INC., 786 ENTERPRISES,  
INC., RANA M. AFZAL, AND DOES 1-10,

Defendants

ANSWER

Signature (Rule 130-1.1-a)

Print name beneath

DAVID H. PERLMAN  
ATTORNEY AT LAW  
Attorney for DEFENDANTS

Office and Post Office Address, Telephone  
186 MONTAGUE STREET  
4<sup>TH</sup> FLOOR,  
BROOKLYN, NEW YORK 11201  
(718) 855-8708

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for